

VESTAL TOWN BOARD WORK SESSION MINUTES

MONDAY, SEPTEMBER 12, 2016

Board Attendance: Supervisor Schaffer; Board Members Majewski, Agneshwar, Messina and Fitzgerald

Also Attending: Town Attorney David Berger, Town Comptroller Laura McKane, Town Engineer Vern Myers, Human Resource Officer Nancy Olmstead, Fire Chief David Harrington, Assistant Fire Chiefs Rose, Stout and Birdsall, Town Clerk Emil Bielecki and 7 people from the general public.

Supervisor Schaffer **convened the Work Session at 6:00 PM.**

EXECUTIVE SESSION

On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following was **ADOPTED** Ayes 5 Agneshwar, Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the Board enter into Executive Session to discuss possible litigation concerning a Fire Department purchasing contract. The time was 6:02 PM.

On a motion of Councilwoman Messina, seconded by Councilwoman Fitzgerald, the following was **ADOPTED** Ayes 5 Agneshwar, Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the Board leave the Executive Session and resume the Work Session. The time was 6:21 PM.

6:25 PM – Debbie and Jackie Stevenson to discuss Girl Scout Silver Award project.

Debbie Stevenson and her daughter Jackie submitted a proposal to the Board to install a *Book Enjoyment Box* on the Rail Trail as a Girl Scout Silver Award project. It would be located near the Myrtle Street playground. Although several designs are being considered, the likely plan would have the Town install a post and they would construct and maintain the box for books to be used and borrowed by children.

After a brief discussion and several questions from the Board, Supervisor Schaffer stated that the proposal would be reviewed by the Board and a decision would be made at the next Work Session on September 26th.

COMMITTEES

7.1 PUBLIC WORKS (FITZGERALD/Majewski)

1. Request from Douglas Rein for a reduction in the water bill at 413 Front Street due to a leak in a water line between the meter and an outbuilding.

Councilwoman Fitzgerald stated that the water went through the meter. The leak was discovered when Water Department investigated the cause of the abnormally high water usage. The owner of this property has a history of not paying his water bills and allowing them to be placed for collection as a tax lien. The Water Department is recommending that we do not reduce the bill.

Town Attorney Dave Berger noted that the Board gave the Water Superintendent the authority to shut off water service for non-payment of bills. Comptroller McKane agreed that the Water Superintendent has the discretion to take such action but has apparently chosen not to use it in this case because the

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bills and the penalties were ultimately being paid.

Supervisor Schaffer reiterated that we cannot provide any relief for this property owner under the new policy that the Town adopted in reaction to the Joint Sewage Treatment Plant refusal to credit the Town for accidental water leaks.

The Board, by consensus, declined to take any action on this request.

7.2 FINANCE (AGNESHWAR/Fitzgerald)

1. Warrants: 2016-34, 2016-34E, 2016-34L, 2016-35, 2016-35B, 2016-35E

Councilwoman Agneshwar noted that the Board also received warrants **2016-36 and 2016-36E** which should be added to the above list. She has reviewed the warrants and has no issues.

OK – This item will be placed as a ‘Receive and File’ on the Agenda for the next Regular Meeting.

2. Request to pay Kenneth Frommer \$3,136.88 for an appraisal of 4417 Vestal Parkway East and for services rendered in the United Health Services vs. Town of Vestal litigation.

Town Attorney Berger noted that appraisal was done last year and is not a part of this invoice. This invoice is for the appraisal review, the trial preparation and the trial services rendered.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

3. Request to pay Greene, Hershdorfer & Sharpe \$420.00 for legal services in the Hicks vs. Town of Vestal litigation.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

4. Request to pay Town Attorney David Berger \$10,587.50 for August 2016 billable hours (70 hours 35 minutes).

Town Attorney Berger noted that the relatively high amount of billable hours is due to his work on two recently concluded trials.

5. Request from Comptroller Laura McKane for authorization to amend the original bond resolution for police vehicles to increase the maximum estimated cost from \$82,000 to \$105,000.

Comptroller McKane stated that when the Town Board adopted the bond resolution for police vehicles on 12/15/2015, we were expecting grant moneys to fund the cars. It now appears that the grant money may be coming too late for our needs and the cost of the vehicles has gone up considerably from the original estimate. The Police Chief is stressing that there is an urgent need to replace several of the fleet vehicles.

Comptroller McKane stated that since we have not yet borrowed any of the money, Bond Counsel is recommending that we simply rescind the previous Bond Resolution which the Board can do at the next

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Regular Meeting. Bond Counsel is currently out of the office so she is not sure if the new Bond Resolution will be ready for the Boards consideration at the next Regular Meeting on Wednesday.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

7.3 PERSONNEL (MESSINA/Majewski)

1. Request from Human Resource Officer Nancy Olmstead to discuss term expirations on the appointed boards.

Human Resource Officer Nancy Olmstead stated that she reviewed the past practices of the Town Board concerning appointments to the Board of Assessment Review (BAR) and found no consistent pattern. The current situation is that there is a member opening on the BAR and both of the serving alternate members have expressed an interest.

Councilwoman Agneshwar noted that both of the alternate members are doing a good job and she recommends that one of them be appointed to the vacancy, perhaps on the basis of seniority. The Board agreed and asked Ms. Olmstead to draft the language for the appointment of Walter Barbour to the fill the vacant position of member of the Board of Assessment Review.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

Human Resource Officer Nancy Olmstead noted that there are also appointments that will need to be made to the CAC, the Recreation Commission and the Historic Preservation Commission. Before acting on those, she will reach out to the community to hopefully generate a larger pool of people who may be interested in serving on any of our volunteer advisory boards.

2. Request from Human Resource Officer Nancy Olmstead to hire Mark O'Brien as a provisional Municipal Fire Code Inspector to work in the Code Department effective September 12, 2016 on a full-time basis at the CSEA rate of \$16.73 per hour. Such appointment conditioned on satisfactory results of background check and pre-employment drug test.

Human Resource Officer Nancy Olmstead stated that the background check and the pre-employment drug test have been successfully completed.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

7.4 PLANNING & ZONING (MESSINA/Agneshwar) – no items were brought for consideration.

7.5 PUBLIC SAFETY (FITZGERALD/Messina)

1. Request from Fire Chief David Harrington for the 4 members of the Ladder 32 Replacement Committee to use a Chief Vehicle and approximately \$700 to cover Food and Lodging expenses (as listed below) to attend the New Jersey Firemen's Convention on Sept 16-17, 2016:

Fuel with Department Chief Tahoe; **\$ 320.00 for Food** (\$40.00 per person x 4 members \$160.00 x 2 days); **\$350.00 for Hotel Rooms** (\$175.00 x 2 Rooms).

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

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7.6 ADMINISTRATION (MAJEWSKI/Messina)

1. Request from IT Director Dan Williams to purchase a used vehicle (Volkswagen Jetta Hybrid) for use by the IT Department.

In a memo to the Town Board, IT Director Dan Williams states that the existing Chevy Impala has serious problems that would be too costly to fix. He feels that a used Volkswagon Jetta Hybrid would be the best choice for his department's needs. The price for this type of vehicle, depending on make/model/year, would be in the \$14,000 to \$19,000 range.

Supervisor Schaffer stated that if a vehicle is to be purchased, it should be American made. After a brief discussion, the Board determined that it needs more time to evaluate this request.

NEW BUSINESS

1. Town Engineer Vern Myers stated as a result of a fuel spill at the Water Department fueling station, he is seeking approval to execute an emergency contract with Gary Dyer Inc. to provide fuel clean up services. This is specialty work requiring hazardous waste removal and hauling licenses. This work needs to be completed within 30 days of the notice on NYSDEC violation stemming from their inspection. The overall cost of the work cannot be determined until excavation begins and it is based on amounts of contaminated material excavated, handled, hauled etc. Dyer has also provided a cost to completely remove both fuel tanks. If the contaminated soil were to have migrated to the tank area, we may have to remove the tanks. NYSDEC will be monitoring this work and will have final say on the remediation of this site.

Town Attorney Dave Berger stated that the Board can bypass the competitive bidding process to deal with the emergency. He recommends the following language to authorize this action:

Authorization to approve the 8/31/16 letter to engage Gary Dyer, Inc. of 2198 Rt. 26, Endicott, NY to immediately remediate contaminated soil at the Town of Vestal Water Department property and to possibly remove the fuel tanks thereon, said authorization is an exception to the competitive bidding requirements of the General Municipal Law in that said situation at the Water Department consists of an emergency, precluding competitive bidding.

OK-This item will be placed on the Agenda for a vote at the next Regular Meeting of the Town Board.

2. Town Attorney Dave Berger stated that as a result of the 2 recently completed trials, he will be submitting motions of stipulated settlements for the Board's approval at the next Regular Meeting.

3. Councilwoman Agneshwar stated that she recently attended a Vestal Community Roundtable discussion sponsored by the Greater Binghamton Chamber of Commerce. The purpose of these discussions is to better understand the needs of the individual businesses within the community. The goal is to develop recommendations on strategies to enhance the small business climate and to champion small business interests. It was very interesting to hear the various points of view from the small businesses located mainly on the Parkway. Some of the comments that perhaps deserve our attention include the following:

- Vestal Parkway is the economic engine and we should do more to promote it.

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- The vacant storefronts on the Parkway are an eyesore. The Parkway needs renovation.
- Property taxes are an issue.

UNFINISHED BUSINESS

1. Proposed Gas Card System for the Purchase of Fuel for Town Vehicles

Update on 9/12/16: Town Engineer Vern Myers stated that the Request for Proposal (RFP) is now ready for review by the Town Board. However, there are some complex issues that would best be addressed in a memo to the Board. He will send that memo shortly. Town Comptroller Laura McKane stated that we are also evaluating the WEX program, which provides payment processing and information management services for vehicle fleets. WEX has the state contract and can be implemented rapidly. They can work with all service stations in the Town and most stations in the State. Supervisor Schaffer noted that the recent spill at our fueling station warrants that we move quickly to make a decision on this issue. He asked the Town Engineer and the Comptroller to submit all of their information and recommendations to the Board for discussion at the next Work Session on September 26th.

2. Gateway Sign Application at 1250 Vestal Parkway East

Request from Park Outdoor Advertising for a Gateway Sign to be located at 1250 Vestal Parkway East (property is owned by Difrancesco Development Group & Parkway Square). The property is currently zoned Commercial Development (C-D) and has a building containing Tioga State Bank, Gertrude Hawk and a vacant service space. The sign is located on the front of the lot, to the western portion near the boundary with Red Lobster.

Update on 08/22/16: Supervisor Schaffer asked the Board to delay taking further action on this application until it engages in additional discussion on how best to proceed in the face of some shortcomings in the language of the existing law, particularly as it pertains to the definition of the word *gateway*.

Update on 09/12/16: Supervisor Schaffer stated that he has received some new information from the County that he will provide to the Board. This item will be put on the agenda for additional discussion at the next Work Session on September 26th.

EXECUTIVE SESSION

On a motion of Councilwoman Messina, seconded by Councilwoman Agneshwar, the following was

ADOPTED Ayes 5 Agneshwar, Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the Board enter into Executive Session to discuss a request submitted under the Vestal Police Benevolent Association (PBA) contract. The time was 7:21 PM.

On a motion of Councilwoman Fitzgerald, seconded by Councilwoman Agneshwar, the following was

ADOPTED Ayes 5 Agneshwar, Majewski, Fitzgerald, Messina, Schaffer
Nays 0

Resolved the Board leave the Executive Session and **adjourn the Work Session. The time was 7:45 PM.**

Respectfully submitted,
Emil Bielecki, Town Clerk